

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LUTHER BECK,

Plaintiff,

v.

Case No. 06-C-1159

MATTHEW FRANK, et al.,

Defendants.

ORDER

Plaintiff has moved for appointment of counsel in this § 1983 case. Title 28 U.S.C. § 1915(e)(1) allows the court to “request an attorney to represent any person unable to afford counsel.” Plaintiff indicates that an attorney with the firm of Quarles & Brady would be willing to take the case on a *pro bono* basis. However, as a preliminary matter, there is nothing in the record indicating that the plaintiff is “unable to afford counsel.” Typically, inmate litigants proceed *in forma pauperis* and submit an affidavit describing their financial condition. This plaintiff has paid the \$350 filing fee, however, and thus has not provided any evidence that he cannot afford counsel. Because the motion for appointment of counsel cannot be considered until the plaintiff submits evidence that he cannot afford counsel on his own, the plaintiff is directed to submit an affidavit or declaration indicating his assets, liabilities and income, as applicable, within 14 days of the date of this order.

SO ORDERED this 5th day of April, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge